

TESTIMONY

OF

**BARBARA A. DORTCH-OKARA
CHIEF JUSTICE FOR ADMINISTRATION AND MANAGEMENT**

ON THE

**TRIAL COURT
FISCAL YEAR 2004 BUDGET REQUEST**

PRESENTED TO THE

JOINT COMMITTEE ON WAYS AND MEANS

**TESTIMONY FOR
JOINT WAYS AND MEANS COMMITTEE HEARING
ON
FISCAL YEAR 2004 BUDGET RECOMMENDATIONS**

The Trial Court request for Fiscal Year 2004 is as submitted to the Governor in January 2003 is \$481.4 million. (See Exhibit 1). This is \$25.3 million or 5.5% more than Fiscal Year 2003 funding of \$456.1 million currently available to the Trial Court through the General Appropriation Act, Chapter 184 of the Acts of 2002, supplemental appropriations and funds appropriated and balanced forward from Fiscal Year 2002.

Of the \$25.3 million increase over Fiscal Year 2003 available funding, \$21.9 million is necessary to maintain the Fiscal Year 2003 level of operations. The Trial Court's ability to continue to provide core services will depend on the adequacy of funding for the base maintenance of the system.

The remaining \$3.4 million increase is requested to enable the Trial Court to address some of the most critical areas of concern resulting from the loss of approximately 1,200 employees, 12% of the total Trial Court workforce, in less than 2 years. (See Exhibit 2). These include court facilities maintenance personnel, information technology personnel and the filling of vacant department head positions.

Before detailing the Fiscal Year 2004 budget request I would like to highlight Fiscal Year 2003 operations.

FISCAL YEAR 2003

Fiscal Year 2003 available funding to date amounts to \$456.1 million. The Trial Court is struggling to operate within this available funding. An overall funding shortfall, combined with the inability to effectively manage funding through the transfer of surplus

funds between accounts and Trial Court Departments, required the implementation of numerous cost saving measures to absorb the initial deficiencies projected in July, 2002.

A multitude of cost-savings measures were implemented, including the following.

- Fiscal Year 2003 spending was reduced by \$4,201,297 due to the involuntary layoff of 54 employees and, through the generous support of Trial Court employees, the voluntary layoff of an additional 77 employees.
- 143 employees pitched in to support the Trial Court in these difficult fiscal times by voluntarily reducing their work hours and taking leaves of absence which resulted in \$1,454,571 in payroll savings.
- Each court and office has reduced their administrative expenses by 10% or more, resulting in an anticipated savings of more than \$1,000,000.
- Leases for privately leased space have been renegotiated to take advantage of the current status of the real estate market and reduced lease rates, resulting in a reduction of more than \$250,000 in Fiscal Year 2003 expenses.
- The implementation of broad system-wide restrictions on spending for travel and printing will reduce spending by approximately \$400,000.

- New guidelines and restrictions on case related non-employee services, including greater efficiencies in the assignment and deployment of court interpreters, will reduce projected expenses by \$2,000,000 in the current fiscal year.
- The elimination of underutilized telephone lines and photocopiers will save approximately \$405,000 Fiscal Year 2003.

In addition to these actions, a limited number of inter-account transfers were requested and approved by the House and Senate Ways and Means Committees to allow the Trial Court to address areas of critical importance.

The calculations for personnel expenses for the Fiscal Year 2003 Spending Plan and the Fiscal Year 2004 Maintenance Estimate are based on 6,944 positions on the July 2002 payroll; 66 positions filled by persons on workers' compensation or leaves of absence; less 143 positions lost through voluntary layoffs, involuntary layoffs and attrition. In addition, I anticipate the filling of a limited number of critical positions, including the recall of laid off Associate Court Officers and the filling of other critical positions in divisions and offices throughout the Trial Court including appointed Clerk-Magistrates, and the anticipated filling of up to 27 judicial vacancies by the Governor.

This information is based upon the Fiscal Year 2003 Spending Plans submitted in October 2002. Be assured that I have been and will continue to aggressively reviews costs for potential additional savings and increases in efficiency. As these savings are identified, this information will be forwarded to your staff for consideration as the Fiscal Year 2004 budget is assembled.

As you are aware, the operations of the Trial Court have suffered as a result of the various measures that have been taken over the last eighteen months to operate within available funding. Results of a system-wide survey show that courts are struggling to maintain a reasonable level of operation and to continue to provide quality service to the public in the administration of justice. Many court clerks' offices have closed to the public for portions of the workday to allow employees to complete the paperwork necessary to ensure that cases are ready for processing through the system. Case backlogs have increased due to the limited staff available to process cases. These are just two examples of the impact of the funding shortfalls. Our Trial Court workforce should be congratulated for their dedication and hard work throughout this fiscal crisis. With the loss of so many employees in the past two years, the remaining employees have taken on greater responsibilities and many are doing the jobs of two people. While services have been slowed in our courts, it is only through the dedication, talent, and hard work of our employees that the court system is able to continue to provide valuable judicial services to the Commonwealth.

I have articulated the Trial Court's Fiscal Year 2003 situation to show the importance of full funding of the Trial Court's Fiscal Year 2004 Maintenance.

FISCAL YEAR 2004 - HOUSE 1 RECOMMENDATION

The Governor's House 1 recommendation for the Trial Court totals \$438.1 million to fund both maintenance and expansion. This proposed funding is \$18 million, or 3.9%, less than the Fiscal Year 2003 amount of \$456.1 million available to the Trial Court as of January 2003.

Several adjustments must be made in order to make a valid comparison between the Governor's Fiscal Year 2004 recommendation and the Trial Court's Fiscal Year 2004 budget request.

The Governor's House 1 recommendation of \$438.1 million includes \$45 million in retained revenue related to the collection of Probation Supervision Fees. Based on current revenue collections for Probation Supervision Fees, this amount is unattainable. The funding available to the Trial Court will be reduced by at least \$30 million even utilizing the Governor's assumption regarding proposed fee increases. In addition, the Governor's recommendation transfers the cost of the Office of Community Corrections to the Department of Corrections. The Fiscal Year 2004 budget request for Community Corrections totals \$17.1 million.

Depending upon the amount of revenue collected for retained revenue, and adjusting for the transfer of Office of Community Corrections, the Governor's House 1 recommendation is approximately \$56.2 million less than the Trial Court's Fiscal Year 2004 recommendation of \$481.1 million and \$32.4 million less than the \$456.1 million available to the Trial Court for Fiscal Year 2003.

The \$56.2 million shortfall in Fiscal Year 2004 funding can be classified into five areas as described below.

- 1) \$31.2 million of this shortfall is allocated to Central/Administrative expenses.
These expenses include: case related non-employee services, such as interpreters and guardians ad litem; maintenance and operations of court facilities; rental of court facilities; leases, maintenance and repair of equipment; and security costs. A shortfall of this proportion would be devastating to the operations of all courts and offices.
- 2) \$9.1 million of the shortfall relates to the operation of Probation Services within the Trial Court. House 1 consolidates the salaries of all probation officers under the Office of the Commissioner of Probation. The funding shortfall of more than \$9 million focused on the critical public safety work of our probation staff, will result in the elimination of at least 225 positions.
- 3) \$3.2 million of the funding shortfall is due to the Governor's proposal to eliminate eight divisions of the District Court Department. It appears that the eight district courts chosen by the Governor for consolidation were selected solely on the basis of the number of days each week the court is in session. This is a one dimensional approach. A more comprehensive approach to court closures and consolidations must take a variety of factors into consideration including geography, demographics and potential impact on the host community, as well as the increased workload on the court accepting the cases.

4) House 1 also proposes a \$4 million funding reduction for the operation of the Boston Municipal Court (BMC) and consolidates the BMC into the District Court Department. It is important to clarify that the savings associated with the departmental administrative personnel of the BMC totals less than \$500,000. The remaining \$3.5 million of the funding shortfall would need to be achieved through reductions in case processing personnel, resulting in a reduction of more than 40% in case processing staffing, a cut greater than that experienced by any other District Court.

5) \$8.7 million of the funding shortfall is spread throughout the Trial Court Departments. Because approximately 96% of each Trial Court Department's budget is dedicated to personnel, this shortfall would result in a workforce reduction of at least 220 positions.

Although the structure of the Governor's recommendation provides increased flexibility to the Trial Court through a limited number of line items, the level of funding is insufficient for the Trial Court to carry-out its core function of dispensing justice. The funding level would also require cuts in security and probation thus causing grave concerns for public safety.

FISCAL YEAR 2004 TRIAL COURT RECOMMENDATION

The amount of \$481.1 million that I am requesting for the Trial Court for Fiscal Year 2004 provides the funds necessary to:

- Allow payment of salaries for all 378 justices authorized by statute at current salary rates;
- Maintain the June 2002 projected staffing level of 6,688 non-judicial employees and maintain operating costs, as projected in Fiscal Year 2004 Maintenance Estimate submitted to you in October 2002. Please note that, due to attrition and the Trial Court's recognition of the fiscal realities facing the Commonwealth in Fiscal Year 2004, many of the positions originally projected to be filled will not be filled. This updated information of the actual positions filled will be communicated to your staff.
- Maintain existing core services, including statewide community corrections, judicial training, juvenile court clinic programs and alternative dispute resolution;
- Annualize operational costs such as leases, printing, travel, facility operations and case driven non-employees services;
- Provide critical improvements in Trial Court operations including:

- 1) the maintenance and operations of state-owned court facilities;
- 2) the implementation and support of the *MassCourts* case management system, a case processing and docketing system that will lower costs, provide new sources of revenue, and offer management tools to assess the quality of justice in our courts;
- 3) providing reserve funding to allow courts to fill positions after a comprehensive staffing analysis has been completed.
- 4) allowing for the filling of currently vacant and critically needed department head positions in courts and offices.

The 5.5% increase of \$25.3 million over Fiscal Year 2003 funding provides:

- A total maintenance increase of 4.8% or \$21.9 million for annualization and inflation of payroll and non-payroll maintenance as follows:

\$12.9 million for payroll costs;

\$9 million for non-payroll costs; and

- A total expansion increase of .7% or \$3.4 million for critically needed positions.

This \$25.3 million maintenance and expansion increase over Fiscal Year 2003 available funding is explained by area of Trial Court operation and by payroll and non-payroll types of costs in the following maintenance and expansion sections.

EXPLANATION OF MAINTENANCE INCREASE
\$21,920,018

The maintenance increase of \$21,920,018 or 4.8% is outlined below:

TYPE OF MAINTENANCE	INCREASE
Payroll Maintenance Increase	
Salaries of the Justices (378 positions)	\$1,655,229
Maintenance of Fiscal Year 2003 Staffing	\$11,255,731
Total Increase for Payroll Maintenance	\$12,910,960
Non-payroll Maintenance Increase	\$9,009,058
Grand Total Maintenance Increase	\$21,920,018

A. MAINTENANCE INCREASE FOR PAYROLL EXPENSES

SALARIES OF THE JUSTICES

The increase of \$1,655,229 requested for the justices' salary accounts provides for full funding for all 378 Trial Court Justices' positions (the Chief Justice for Administration and Management, 7 Chief Justices and 370 Associate Justices). Full funding for all justices' positions is requested because the Judiciary does not control the appointment of justices, and therefore, cannot control deficiencies created by appointments for which funding was not appropriated.

MAINTAINING FISCAL YEAR 2003 STAFFING LEVELS

The increase of \$11,255,731 over Fiscal Year 2003 funding for payroll costs is the net result of total annualization and inflation increases of \$13,761,443 less Fiscal Year 2003 one-time costs (reductions) totaling \$2,505,712. The increase in funding is necessary to provide full annual salaries for all Trial Court positions (excluding Justices) filled as of July 2002 and to be filled as of June 30, 2003. The total number of non-judicial positions funded in the Fiscal Year 2004 Maintenance Estimate is 6,688 and includes: 6,613 employees on the payroll as of July 2002; plus 66 employees filling positions but not on the July payroll because they were on leaves of absence; plus a minimal number of positions to be filled during Fiscal Year 2003, less 143 positions lost through voluntary layoffs, involuntary layoffs and attrition. The positions to be filled during the fiscal year include the recall of Associate Security Officers and the filling of other critical positions in various court and administrative accounts. The maintenance increases of \$13,761,443 include the following:

- 1) The amount of \$4,797,074 to cover the cost of the annualization of Fiscal Year 2003 step increases and the cost of Fiscal Year 2004 step increases due employees in accordance with Collective Bargaining Agreements and Personnel Policies.
- 2) The amount of \$4,395,506 for the annualization of salaries for employees on leaves of absence and workers' compensation and for the annualization of one-time savings measures instituted in Fiscal Year 2003.
- 3) The amount of \$3,451,763 for annualization of positions filled in Fiscal Year 2003 in Trial Court accounts excluding the justices' salary accounts.

- 4) The amount of \$1,117,100 for the Fiscal Year 2004 reimbursement of deferred salary due employees under the terms of the Trial Court's Fiscal Year 2002 Salary Deferral Program.

The salary related reductions or one-time costs that offset the above increases include:

- 1) \$1,513,967 for negative annualization related to the reduction of positions (involuntary and voluntary layoffs) in Fiscal Year 2003.
- 2) \$991,745 for one-time vacation and sick time buyback costs in various Trial Court accounts

B. NON-PAYROLL MAINTENANCE INCREASE

The increase of \$9,009,058 over Fiscal Year 2003 funding for non-payroll costs is the net result of total annualization and inflation increases of \$9,522,509 less Fiscal Year 2003 one-time costs (reductions) totaling \$513,451. These increases and reductions are described below. The increases include:

- 1) \$1,589,760 for annualization and inflation of the programs and services provided for the Office of Community Corrections.
- 2) \$1,288,279 to cover the Fiscal Year 2004 annualization and increases in the rental of all court facilities.
- 3) \$1,936,404 for annualization and inflation of costs for non-employee services including all court clinic and case driven costs.
- 4) \$836,961 to cover annualization and inflation of the cost of maintaining Fiscal Year 2003 law library materials in Fiscal Year 2004.
- 5) \$1,094,863 for annualization and inflation relating to the maintenance and operation of court facilities.

- 6) \$1,938,755 to provide annualization and inflation in Court Department accounts and remaining central accounts including costs related to expenses for dental/optical trust agreements, travel, printing, maintenance and repairs of equipment, telecommunications and chargebacks.
- 7) \$837,487 for annualization of administrative expenses in Court Department accounts.

The reductions or one-time costs and negative annualization offsetting the above increases include:

- 1) \$257,563 for one-time contractual and administrative costs in various central and Court Department accounts
- 2) \$255,888 for prior year deficiency payments for non-employee services.

EXPLANATION OF FISCAL YEAR 2004 BUDGET REQUEST FOR EXPANSION

\$3,356,649

The Fiscal Year 2004 Budget Request contains an increase of \$3,356,649 for improving and expanding court operations. These requests are explained below.

EXPANSION FUNDING

The following requests for expansion funding totaling \$3,356,649 are the result of a detailed review of all requests for expansion submitted to me by all Departments, Divisions and Offices of the Trial Court.

1) **Trial Court Information Technology Department**

A total of \$737,778 is requested to cover the cost of the support necessary for the implementation and ongoing operation of the Trial Court Information Technology Project (*MassCourts*) by providing funding for the necessary technical support personnel. A total of 19 positions is requested to adequately support *MassCourts* and the several thousand users that will have access to the system, including court personnel, members of the bar and the general public. The ability to provide adequate support to *MassCourts* is vital to its successful operation.

2) **Court Facilities Bureau**

A total expansion amount of \$727,555 is requested to allow the Court Facilities Bureau to fill 34 positions which became vacant due to early retirements, layoffs and attrition. The Court Facilities Bureau currently has more than 100 vacant positions, many of these positions becoming vacant since the beginning of Fiscal Year 2001. Almost all of these positions were direct service positions (i.e. custodians and

maintenance technicians). The loss of these positions has compromised the Bureau's ability to maintain safe and sanitary conditions for court employees and the public. The addition of 34 positions will allow the Bureau to assign maintenance personnel to locations that currently have no full time staff and to provide additional staff to those locations that are severely understaffed.

3) Filling of Vacant Chief Probation Officer Positions

Expansion funding of \$816,408 is requested to fund the cost of filling 12 vacant Chief Probation Officer positions in various court divisions. The filling of these vacant positions is of the utmost importance as probation offices throughout the system are trying to maintain probation supervision standards with fewer probation officers. The appointment of permanent Chief Probation Officers will provide the proper oversight in these courts. The filling of the Chief Probation Officer positions is requested for the following courts:

Southern Berkshire District Court	Natick District Court
New Bedford District Court	Malden District Court
Greenfield District Court	Westborough District Court
Westfield District Court	Dudley District Court
Northampton District Court	Hampden Probate & Family Court
Newton District Court	Worcester Probate & Family Court

4) Office of the Jury Commissioner

Funding of \$74,908 is requested to fill the vacant Jury Commissioner position. The Jury Commissioner position has been vacant since the previous Commissioner chose to retire under the early retirement incentive program. The filling of this position will ensure

that the Office of the Jury Commissioner will provide an efficient jury system that meets its statutory responsibilities and is responsive to inquiries from thousands of potential jurors.

5) Trial Court Departmental Personnel Reserve

Total funding requested for a Trial Court Department Reserve is \$1,000,000. These funds are requested to provide me with the flexibility to address critical needs in Departments, Divisions and Offices of the Trial Court which are short staffed due to early retirements, layoffs and attrition. The reserve funding will allow for the filling of approximately 33 positions. The position to be filled will be determined after the completion of staffing guidelines that are being developed with the assistance of the National Center for State Courts.

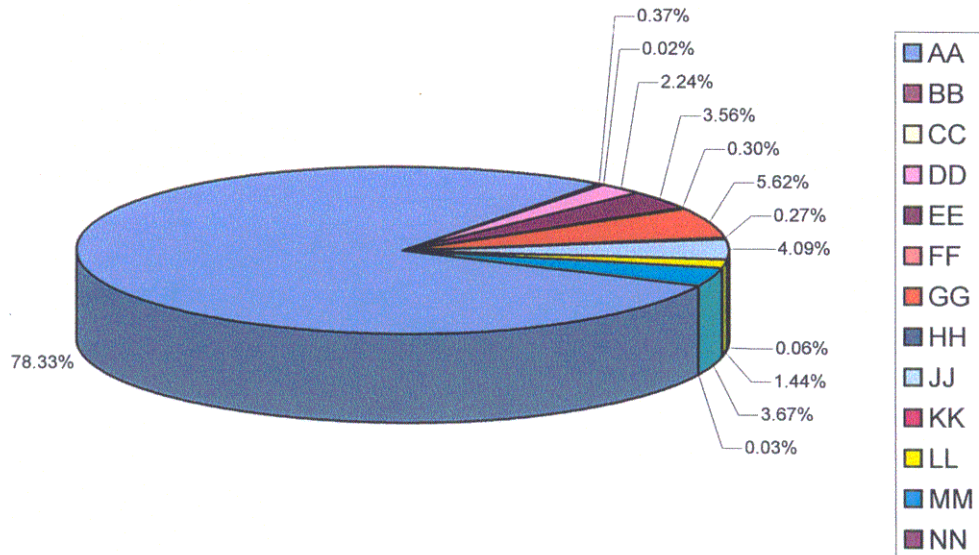
The line-item backup for both the maintenance and expansion requests have been provided to your staff. My staff is available to explain calculations and provide additional information as needed and will also keep your staff updated on changes in requirements for maintenance funding. I again emphasize that the Trial Court's ability to maintain operations and services at a minimal level will depend on the adequacy of funding for the base maintenance of the system. The attached chart, showing Trial Court funding for the last five fiscal years, provides an indication of the reductions the Trial Court has endured over the last two fiscal years. (See Exhibit 3)

Thank you, Chairman Rogers and Chairwoman Murray, and the members of your Committee for this opportunity to present the Trial Court funding needs for Fiscal Year

2004. As the Commonwealth continues to struggle through these difficult times, please be assured that the Trial Court is continuing to make every effort to reduce expenditures and administer justice as efficiently and cost-effectively as possible.

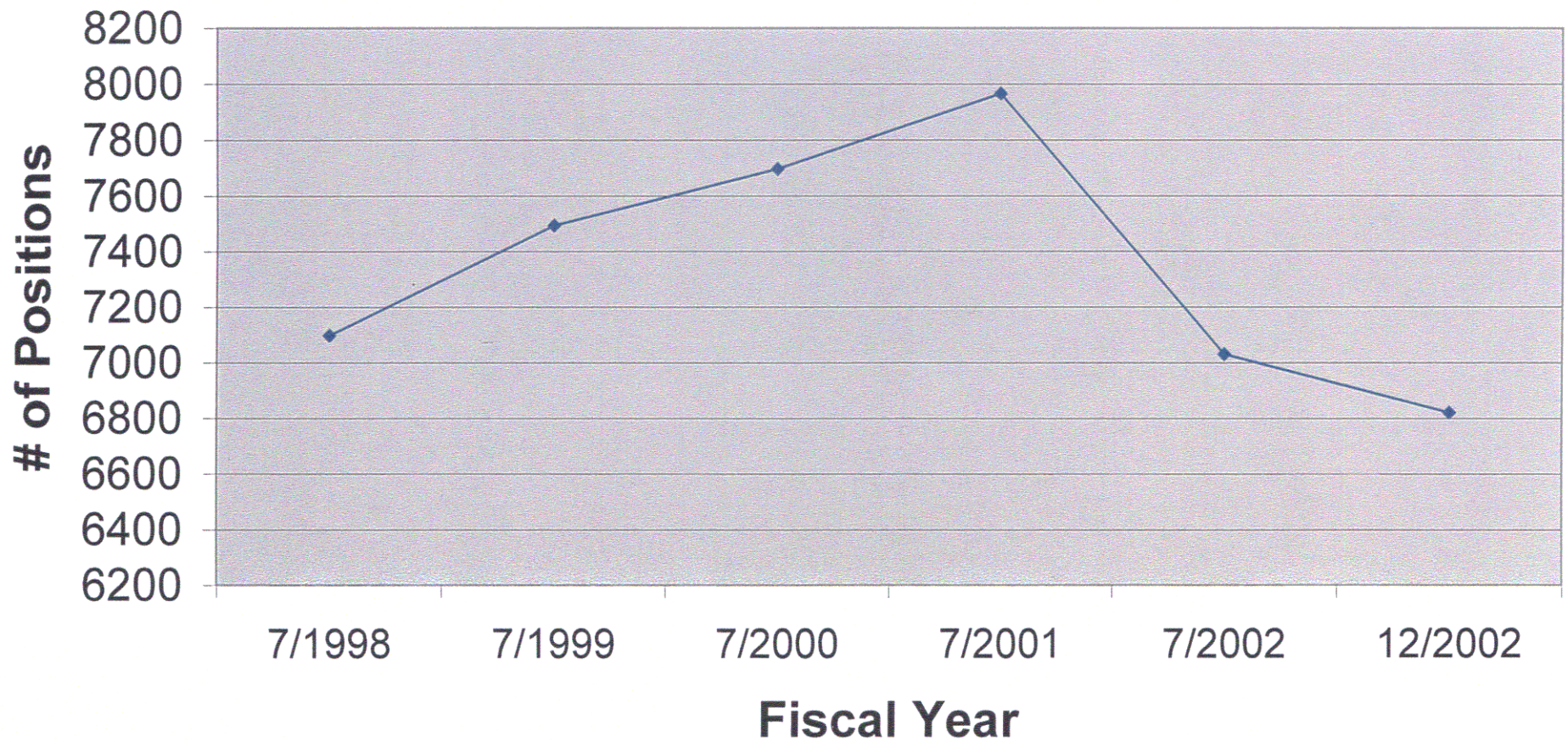
EXHIBIT 1

Trial Court FY2004 Budget Request by Subsidiary

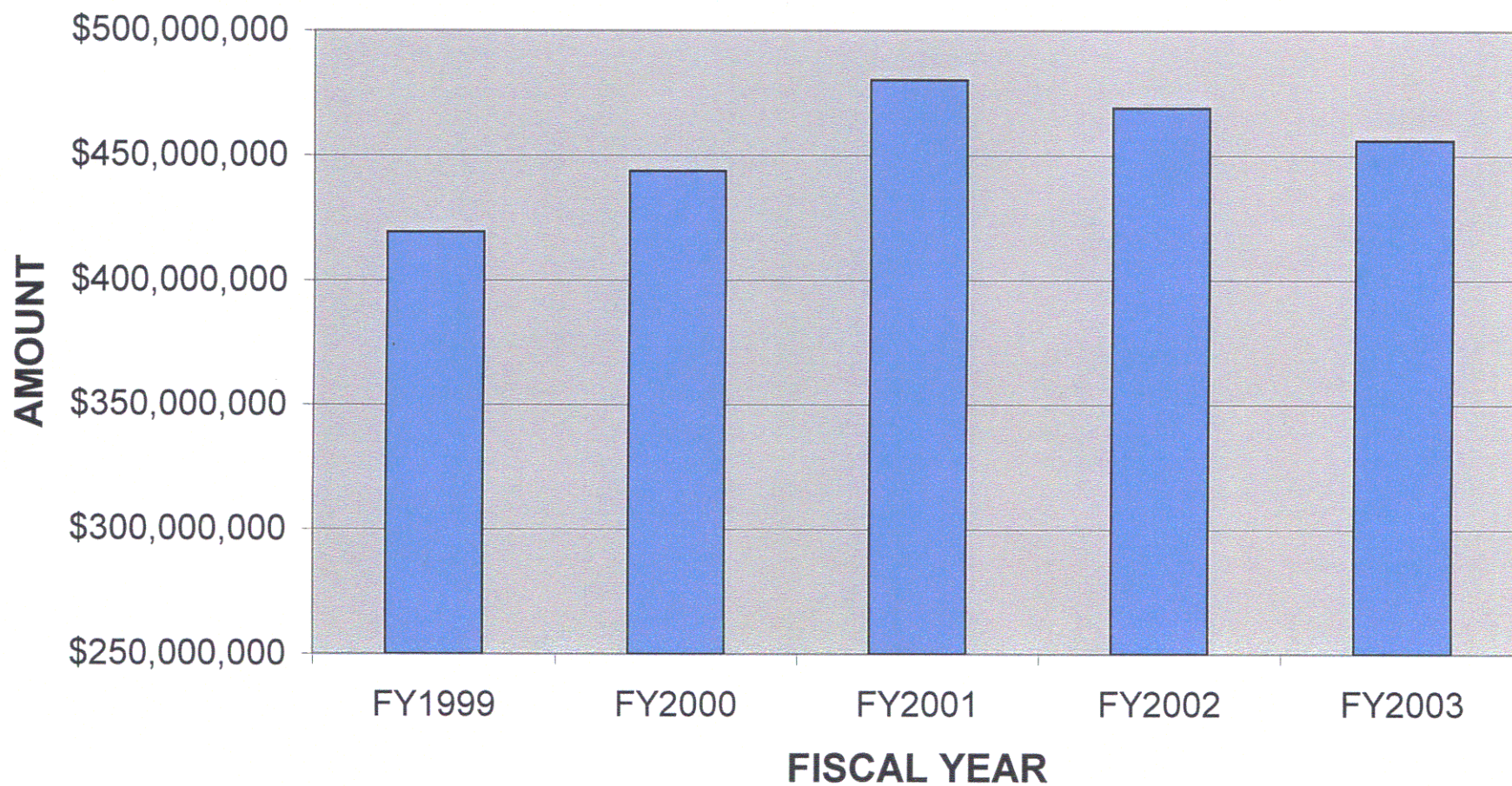


Sub.	Expense Type	FY2004 Estimated Exp.	% of Budget Request
AA	Salaries	377,064,272	78.33%
BB	Travel	1,761,418	0.37%
CC	Student Interns	75,000	0.02%
DD	Chargebacks/Dental Optical Trust	10,769,129	2.24%
EE	Admin./Telephone/Print./Library Mat.	17,126,849	3.56%
FF	Uniforms/Restrained Equip./Repair Supplies	1,457,316	0.30%
GG	Private, Municipal, County Space Leases/Utilities	27,046,890	5.62%
HH	Legal Services/Arbitrators/Mediation	1,319,116	0.27%
JJ	Case Related Serv./Jury/Witness/Food for Pris.	19,709,721	4.09%
KK	Furnishings/Equipment	303,003	0.06%
LL	Repairs/Equip Lease/Equip. Maint.	6,948,784	1.44%
MM	Client Services/OCC, Juv. Clinics	17,667,668	3.67%
NN	Building Repairs/Renovations	152,808	0.03%
TOTAL		481,401,974	100%

Trial Court Filled Positions Fiscal Year 1998 - 2003



TRIAL COURT FUNDING FY1999 - FY2003



**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02		
0330-0300 Trial Court Administration	<u>Information Technology Department</u>			
	The Trial Court Automation Project is moving forward with the vendor selection process now complete. The implementation of the first court divisions is expected in early Fiscal Year 2004 with the remainder of the Trial Court being implemented in phases over a one year period. The implementation of a comprehensive case management system (Mass Court) for all Trial Court Departments and Divisions will require significant increases in technical support personnel including help desk personnel. The positions required to properly support the Mass. Courts are listed below.			
			10 Month	
		<u>Position</u>	<u>Level(Step)</u>	<u>Cost</u>
	1	Lead Database Administrator	20(1)	\$51,968
	1	Senior Database Administrator	19(1)	45,828
	1	Database Administrator	18(1)	42,123
	5	Server Administrator	8(1)	210,617
	3	Field Support Analyst	17(1)	116,400
	2	Application Developer	18(1)	84,247
2	User Support Analyst	16(1)	71,715	
4	Computer Operator	13(1)	114,880	
19	Total Information Technology Positions			
		AA	737,778	
TOTAL EXPANSION FOR ACCOUNT				

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02																																	
0330-0300 Trial Court Administration (Cont.)	<p><u>Court Facilities Bureau</u> The Court Facilities bureau has experienced a reduction of 100 positions or approximately 25% of its work force in the last two fiscal years. The reductions are a result o f attrition, layoffs and employees' participation in the early retirement incentive program. The reductions have left many buildings with inadequate maintenance personnel and other buildings with no maintenance staff. The requested positions will allow the Court Facilities Bureau to address those location with the most critical need. Staffing will remain well below the level needed to properly maintain all 59 locations currently maintained by the Court Facilities Bureau. In addition to the direct service positions requested, one Administrative Assistant position is requested for the Springfield Region. The Administrative Assistant position is needed to provide support for supplies inventory, work order processing and processing of invoices and payroll. The following is a list of the positions requested for the Court Facilities Bureau:</p> <table><tr><th></th><th><u>Position</u></th><th><u>Level(Step)</u></th><th><u>10 Mo. Cost</u></th></tr><tr><td>1</td><td>Administrative Assistant</td><td>13(1)</td><td>\$ 28,720</td></tr><tr><td>2</td><td>Building Supervisor</td><td>14(1)</td><td>\$ 61,692</td></tr><tr><td>1</td><td>Building Systems Manager</td><td>18(1)</td><td>\$ 42,123</td></tr><tr><td>25</td><td>Custodians</td><td>6(1)</td><td>\$476,917</td></tr><tr><td>4</td><td>Maintenance Technicians</td><td>9(1)</td><td>\$ 89,383</td></tr><tr><td><u>1</u></td><td>Senior Maintenance Technicians</td><td>13(1)</td><td>\$ 28,720</td></tr><tr><td>34</td><td>Total Court Facilities Bureau Positions</td><td></td><td></td></tr></table>		<u>Position</u>	<u>Level(Step)</u>	<u>10 Mo. Cost</u>	1	Administrative Assistant	13(1)	\$ 28,720	2	Building Supervisor	14(1)	\$ 61,692	1	Building Systems Manager	18(1)	\$ 42,123	25	Custodians	6(1)	\$476,917	4	Maintenance Technicians	9(1)	\$ 89,383	<u>1</u>	Senior Maintenance Technicians	13(1)	\$ 28,720	34	Total Court Facilities Bureau Positions			AA	\$727,555
	<u>Position</u>	<u>Level(Step)</u>	<u>10 Mo. Cost</u>																																
1	Administrative Assistant	13(1)	\$ 28,720																																
2	Building Supervisor	14(1)	\$ 61,692																																
1	Building Systems Manager	18(1)	\$ 42,123																																
25	Custodians	6(1)	\$476,917																																
4	Maintenance Technicians	9(1)	\$ 89,383																																
<u>1</u>	Senior Maintenance Technicians	13(1)	\$ 28,720																																
34	Total Court Facilities Bureau Positions																																		
TOTAL EXPANSION FOR ACCOUNT			\$1,465,333																																

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02
0330-4100 Trial Court Department Reserve	A Trial Court Departmental Reserve is requested to allow the Chief Justice for Administration and Management to address the most critical needs in the Trial Court Departments including the Office of the Commissioner of Probation and the Office of the Jury Commissioner. The filling of positions will be based on a Trial Court staffing analysis that is currently being conducted by the Administrative Office of the Trial Court and the National Center for State Courts. The reserve funding of \$1,000,000 will allow for the funding of thirty-three positions for ten months in Fiscal Year 2004.	AA \$1,000,000
TOTAL EXPANSION FOR ACCOUNT		\$1,000,000

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02				
Various Court Accounts	In Fiscal Year 2004, there will be twelve court divisions which will not have a permanent Chief Probation Officer to manage the Probation Office within those divisions. The appointment of a permanent department head in these locations is critical to the successful management and oversight of the probation functions within these courts. A permanent department head is especially important as all Trial Court Divisions experience dramatic work force reductions. A Chief probation Officer position is required for the following twelve court divisions.					
	<u>Account</u>	<u>Court Division</u>	<u>Level(Step)</u>	<u>10-month cost</u>		
	0332-1500	Southern Berkshire District Court	21 (5)	\$68,033	AA	\$68,033
	0332-1800	New Bedford District Court	21 (5)	\$68,033	AA	\$68,033
	0332-3000	Greenfield District Court	21 (5)	\$68,033	AA	\$68,033
	0332-3600	Westfield District Court	21 (5)	\$68,033	AA	\$68,033
	0332-3700	Northampton District Court	21 (5)	\$68,033	AA	\$68,033
	0332-4100	Newton District Court	21 (5)	\$68,033	AA	\$68,033
	0332-4300	Natick District Court	21 (5)	\$68,033	AA	\$68,033
	0332-4400	Malden District Court	21 (5)	\$68,033	AA	\$68,033
	0332-7400	Westborough District Court	21 (5)	\$68,033	AA	\$68,033
	0332-7600	Dudley District Court	21 (5)	\$68,033	AA	\$68,033
	0333-0700	Hampden Probate and Family Court	21 (5)	\$68,033	AA	\$68,033
	0333-1400	Worcester Probate and Family Court	21 (5)	\$68,033	AA	\$68,033
TOTAL EXPANSION FOR ACCOUNT						

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02								
0339-2100 Office of the Jury Commissioner	<p>The Office of the Jury Commissioner is responsible for maintaining the jury system for the commonwealth. The responsibilities include: obtaining census information, determining the need for jury panels on a daily basis, summonsing jurors, responding to information and change requests from potential jurors and the payment of juror payrolls. The Office the Jury Commissioner has been without a Jury Commissioner since the previous Jury Commissioner opted for the early retirement incentive in January, 2001. The Jury Commissioner position is critical to the success of the Commonwealth's jury system. Citizens participation in jury service is often times their only exposure to the court system and the efficient operation of jury system is vital to the integrity of the judiciary.</p> <table><tr><td></td><td><u>Position</u></td><td><u>Level(Step)</u></td><td><u>10-Month Cost</u></td></tr><tr><td>1</td><td>Jury Commissioner</td><td>24(1)</td><td>\$74,908</td></tr></table>		<u>Position</u>	<u>Level(Step)</u>	<u>10-Month Cost</u>	1	Jury Commissioner	24(1)	\$74,908	AA <
	<u>Position</u>	<u>Level(Step)</u>	<u>10-Month Cost</u>							
1	Jury Commissioner	24(1)	\$74,908							



THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE TRIAL COURT
Two Center Plaza
Boston, Massachusetts 02108

BARBARA A. DORTCH-OKARA
Chief Justice for
Administration and Management

Tel: (617) 742-8575
Fax: (617) 742-0968

December 6, 2002

Honorable Margaret H. Marshall
Chief Justice
Supreme Judicial Court
1300 New Courthouse
Boston, Massachusetts 02108

Dear Chief Justice Marshall:

I hereby respectfully submit my recommendation of \$481,401,974 for Fiscal Year 2004 funding for the Trial Court. It contains funding to maintain Fiscal Year 2003 levels of activity in the Trial Court. The recommendation also contains expansion funding to address the most critical needs of the Trial Court including funding for the Trial Court Information Technology Project (MassCourts), Court Facilities maintenance personnel and critical positions within the seven Trial Court Departments and the offices of the Commissioner of Probation and the Jury Commissioner.

The budget request is \$25,309,440 or 5.5 percent more than the Fiscal Year 2003 amount of \$456,092,534 currently available to the Trial Court through the annual operating appropriation, including \$2,608,634 balanced forward from Fiscal Year 2002 unexpended funds and \$1,565,401 appropriated in the Executive Office for Administration and Finance Reserve account. Of this \$25,309,440 increase over Fiscal Year 2003 funding, \$21,952,791 is the increase requested in the \$478,045,325 Fiscal Year 2003 Maintenance Estimate for the Trial Court submitted to you on October 16, 2002 (see attached letter) and \$3,356,649 represents the additional funds included in this total Fiscal Year 2002 budget request of \$481,401,974.

I recognize that the maintenance estimate increase of \$21,952,791 and the expansion request of \$3,356,649 represent a significant increases over fiscal year 2003 available funds. This is especially so given the Commonwealth's current fiscal situation. I must, however, present a Fiscal Year 2004 budget request that represents the needs of the Trial Court as it perseveres to meet its constitutional mandate of providing justice to the citizen's of the Commonwealth.

The \$3,356,649 expansion portion of the budget request is required to address some of the most critical areas of concern in the Trial Court. The request, as detailed below, highlights the need for Court Facilities Bureau staff, information technology personnel to support MassCourts, the filling of vacant department head positions in a number of courts and offices and reserve funding to fill other non-department head positions in the various Trial Court Departments. The reserve funding will be utilized to allow courts to fill positions after a Trial Court staffing analysis has been completed. The Administrative Office of the Trial Court (AOTC) is collaborating with the National Center for State Courts to develop staffing guidelines for all courts. The completion of these guidelines will allow the AOTC to identify the most critically understaffed courts and the requested reserve funding will allow those needs to be addressed in a thoughtful and prudent manner. The

Fiscal Year 2004 expansion portion of the budget request is described below.

FISCAL YEAR 2004 EXPANSION FUNDING

The following components of expansion funding request of \$3,356,649 are the result of a detailed review of all requests for expansion submitted to me by each Department, Division and Offices of the Trial Court. These requests were reviewed and evaluated but, ultimately, reduced dramatically due to the Commonwealth's severe financial situation.

1. Trial Court Information Technology Department

A total expansion amount of \$737,778 is requested to cover the cost of the support necessary for the implementation and ongoing operation of the Trial Court Information Technology Project (MassCourts) by providing funding for the necessary technical support personnel. A total of 19 positions is requested to adequately support both the hardware necessary for Mass Courts and thousands of users that will have access to the system. The users will include court personnel, members of the bar and the general public. The ability to provide adequate support to MassCourts is vital to its successful operation.

2. Court Facilities Bureau

A total expansion amount of \$727,555 is requested to allow the Court Facilities Bureau to fill thirty-four positions which became vacant due to early retirements, layoffs and attrition. The Court Facilities Bureau currently has approximately 100 vacant positions, many of these positions becoming vacant since the beginning of Fiscal Year 2001. Almost all of these positions were direct service positions (i.e. custodians and maintenance technicians). The loss of these positions has compromised the Bureau's ability to provide safe and sanitary conditions for court employees and the public. The thirty-four positions will allow the Bureau to assign maintenance personnel to locations that currently have no full time staff assigned and to provide additional staff to those locations that are severely understaffed.

3. Filling of Vacant Chief Probation Officer Positions

Expansion funding of \$816,408 is requested to fund the cost of filling twelve vacant Chief Probation Officer positions in various court divisions. The filling of these vacant positions is of the utmost importance as probation offices throughout the system are trying to maintain probation supervision standards with fewer probation officers. The appointment of permanent Chief Probation Officers will provide the proper oversight in these courts. The filling of the Chief Probation Officer positions is required in the following courts:

Southern Berkshire District Court
New Bedford District Court
Greenfield District Court
Westfield District Court
Northampton District Court
Newton District Court

Natick District Court
Malden District Court
Westborough District Court
Dudley District Court
Hampden Probate & Family Court
Worcester Probate & Family Court

4. Office of the Jury Commissioner

Funding of \$74,908 is requested to fill the vacant Jury Commissioner position. The Jury Commissioner position has been vacant since the previous Commissioner chose to retire under the early retirement incentive program. The filling of this position will ensure that the Office of the Jury Commissioner will provide an efficient jury system that meets its statutory responsibilities and is responsive to inquiries from the thousands of potential jurors.

5. Trial Court Departmental Personnel Reserve

Total funding requested for a Trial Court Department Reserve is \$1,000,000. These funds are requested to provide me with the flexibility to address critical needs in Departments, Divisions and Offices of the Trial Court which are short staffed due to early retirements, layoffs and attrition. The reserve funding will allow for the filling of approximately thirty-three positions. The filling of these positions will be determined after an analysis of staffing needs that is being developed with assistance from the National Center for State Courts.

In conclusion, all of the above expansion requests totaling \$3,356,649, if funded along with base maintenance costs, will enable the Trial Court to make progress in improving the effectiveness of the court system, but will not alleviate the impact of all the reductions that have been endured by the Trial Court during Fiscal Years 2001 and 2002.

All of the expansions requests are broken out by specific account and subsidiary funding on the attached forms. Should you or your staff have any questions or need further information regarding these recommendations, please contact me or Marilyn J. Wellington, Chief of Staff at 742-8575 or William J. Marchant, Acting Director of Fiscal Affairs at 742-8383.

Sincerely,



Barbara A. Dortch-Okara
Chief Justice for Administration
and Management

BADO/dc
attachments
g:\d\b\2003\marshall.1

cc: Marilyn J. Wellington, Chief of Staff
Ronald P. Corbett, Executive Director, Supreme Judicial Court
Robert Burns, Business Manager, Supreme Judicial Court
William J. Marchant, Acting Director, Fiscal Affairs

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02		
0330-0300 Trial Court Administration	<u>Information Technology Department</u>			
	The Trial Court Automation Project is moving forward with the vendor selection process now complete. The implementation of the first court divisions is expected in early Fiscal Year 2004 with the remainder of the Trial Court being implemented in phases over a one year period. The implementation of a comprehensive case management system (Mass Court) for all Trial Court Departments and Divisions will require significant increases in technical support personnel including help desk personnel. The positions required to properly support the Mass. Courts are listed below.			
		<u>Position</u>	<u>Level(Step)</u>	<u>10 Month Cost</u>
	1	Lead Database Administrator	20(1)	\$51,968
	1	Senior Database Administrator	19(1)	45,828
	1	Database Administrator	18(1)	42,123
	5	Server Administrator	8(1)	210,617
	3	Field Support Analyst	17(1)	116,400
	2	Application Developer	18(1)	84,247
	2	User Support Analyst	16(1)	71,715
4	Computer Operator	13(1)	114,880	
19	Total Information Technology Positions			
TOTAL EXPANSION FOR ACCOUNT		AA	737,778	

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02																																	
0330-0300 Trial Court Administration (Cont.)	<p><u>Court Facilities Bureau</u> The Court Facilities bureau has experienced a reduction of 100 positions or approximately 25% of its work force in the last two fiscal years. The reductions are a result o f attrition, layoffs and employees’ participation in the early retirement incentive program. The reductions have left many buildings with inadequate maintenance personnel and other buildings with no maintenance staff. The requested positions will allow the Court Facilities Bureau to address those location with the most critical need. Staffing will remain well below the level needed to properly maintain all 59 locations currently maintained by the Court Facilities Bureau. In addition to the direct service positions requested, one Administrative Assistant position is requested for the Springfield Region. The Administrative Assistant position is needed to provide support for supplies inventory, work order processing and processing of invoices and payroll. The following is a list of the positions requested for the Court Facilities Bureau:</p> <table><tr><th></th><th><u>Position</u></th><th><u>Level(Step)</u></th><th><u>10 Mo. Cost</u></th></tr><tr><td>1</td><td>Administrative Assistant</td><td>13(1)</td><td>\$ 28,720</td></tr><tr><td>2</td><td>Building Supervisor</td><td>14(1)</td><td>\$ 61,692</td></tr><tr><td>1</td><td>Building Systems Manager</td><td>18(1)</td><td>\$ 42,123</td></tr><tr><td>25</td><td>Custodians</td><td>6(1)</td><td>\$476,917</td></tr><tr><td>4</td><td>Maintenance Technicians</td><td>9(1)</td><td>\$ 89,383</td></tr><tr><td><u>1</u></td><td>Senior Maintenance Technicians</td><td>13(1)</td><td>\$ 28,720</td></tr><tr><td>34</td><td>Total Court Facilities Bureau Positions</td><td></td><td></td></tr></table>		<u>Position</u>	<u>Level(Step)</u>	<u>10 Mo. Cost</u>	1	Administrative Assistant	13(1)	\$ 28,720	2	Building Supervisor	14(1)	\$ 61,692	1	Building Systems Manager	18(1)	\$ 42,123	25	Custodians	6(1)	\$476,917	4	Maintenance Technicians	9(1)	\$ 89,383	<u>1</u>	Senior Maintenance Technicians	13(1)	\$ 28,720	34	Total Court Facilities Bureau Positions			AA	\$727,555
	<u>Position</u>	<u>Level(Step)</u>	<u>10 Mo. Cost</u>																																
1	Administrative Assistant	13(1)	\$ 28,720																																
2	Building Supervisor	14(1)	\$ 61,692																																
1	Building Systems Manager	18(1)	\$ 42,123																																
25	Custodians	6(1)	\$476,917																																
4	Maintenance Technicians	9(1)	\$ 89,383																																
<u>1</u>	Senior Maintenance Technicians	13(1)	\$ 28,720																																
34	Total Court Facilities Bureau Positions																																		
TOTAL EXPANSION FOR ACCOUNT			\$1,465,333																																

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02
0330-4100 Trial Court Department Reserve	A Trial Court Departmental Reserve is requested to allow the Chief Justice for Administration and Management to address the most critical needs in the Trial Court Departments including the Office of the Commissioner of Probation and the Office of the Jury Commissioner. The filling of positions will be based on a Trial Court staffing analysis that is currently being conducted by the Administrative Office of the Trial Court and the National Center for State Courts. The reserve funding of \$1,000,000 will allow for the funding of thirty-three positions for ten months in Fiscal Year 2004.	AA \$1,000,000
TOTAL EXPANSION FOR ACCOUNT		\$1,000,000

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02				
Various Court Accounts	In Fiscal Year 2004, there will be twelve court divisions which will not have a permanent Chief Probation Officer to manage the Probation Office within those divisions. The appointment of a permanent department head in these locations is critical to the successful management and oversight of the probation functions within these courts. A permanent department head is especially important as all Trial Court Divisions experience dramatic work force reductions. A Chief probation Officer position is required for the following twelve court divisions.					
	<u>Account</u>	<u>Court Division</u>	<u>Level(Step)</u>	<u>10-month cost</u>		
	0332-1500	Southern Berkshire District Court	21 (5)	\$68,033	AA	\$68,033
	0332-1800	New Bedford District Court	21 (5)	\$68,033	AA	\$68,033
	0332-3000	Greenfield District Court	21 (5)	\$68,033	AA	\$68,033
	0332-3600	Westfield District Court	21 (5)	\$68,033	AA	\$68,033
	0332-3700	Northampton District Court	21 (5)	\$68,033	AA	\$68,033
	0332-4100	Newton District Court	21 (5)	\$68,033	AA	\$68,033
	0332-4300	Natick District Court	21 (5)	\$68,033	AA	\$68,033
	0332-4400	Malden District Court	21 (5)	\$68,033	AA	\$68,033
	0332-7400	Westborough District Court	21 (5)	\$68,033	AA	\$68,033
	0332-7600	Dudley District Court	21 (5)	\$68,033	AA	\$68,033
	0333-0700	Hampden Probate and Family Court	21 (5)	\$68,033	AA	\$68,033
	0333-1400	Worcester Probate and Family Court	21 (5)	\$68,033	AA	\$68,033
TOTAL EXPANSION FOR ACCOUNT						

**FY2004 EXPANSION
DECEMBER 2002**

TRIAL COURT ACCOUNT	DESCRIPTION	AMOUNT AS OF 12/04/02								
0339-2100 Office of the Jury Commissioner	<p>The Office of the Jury Commissioner is responsible for maintaining the jury system for the commonwealth. The responsibilities include: obtaining census information, determining the need for jury panels on a daily basis, summoning jurors, responding to information and change requests from potential jurors and the payment of juror payrolls. The Office the Jury Commissioner has been without a Jury Commissioner since the previous Jury Commissioner opted for the early retirement incentive in January, 2001. The Jury Commissioner position is critical to the success of the Commonwealth's jury system. Citizens participation in jury service is often times their only exposure to the court system and the efficient operation of jury system is vital to the integrity of the judiciary.</p> <table><tr><td></td><td><u>Position</u></td><td><u>Level(Step)</u></td><td><u>10-Month Cost</u></td></tr><tr><td>1</td><td>Jury Commissioner</td><td>24(1)</td><td>\$74,908</td></tr></table>		<u>Position</u>	<u>Level(Step)</u>	<u>10-Month Cost</u>	1	Jury Commissioner	24(1)	\$74,908	AA <
	<u>Position</u>	<u>Level(Step)</u>	<u>10-Month Cost</u>							
1	Jury Commissioner	24(1)	\$74,908							